

REMARKS

Claims 3, 141-142 and 171-175 are amended herein to recite that the substrate is a metal material. Claims 92, 98, 104, 110, 122, 128, 134, 140, 152, 158, 164, 170 and 178 are canceled. Support for the claim amendments is found, for example, at page 54, line 3 of the specification. No new matter is presented.

Upon entry of the Amendment claims, will be all of the claims pending in the application.

I. Response to Claim Objections

Claims 92, 98, 104, 110, 116, 122, 128, 134, 140, 146, 152, 158, 164, 170 and 178 have been objected to because they depend from canceled claim 89.

These claims are canceled herein, thereby obviating the objection. Accordingly, Applicants request withdrawal of the objection.

II. Response to Claim Rejection under 35 U.S.C. § 102/§ 103 based on Choong et al.

Claims 3, 79, 82, 85, 95, 101, 107, 113, 119, 125, 131, 137, 141-143, 149, 155, 161, 167 and 171-175 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over Choong et al., U.S. Patent No. 6,238,909 (“Choong”).

Independent claims 3, 141, 142 and 171-175 are amended herein to recite that the substrate is formed of a metal material. Choong et al does not disclose, teach or suggest this feature of the amended claims.

Choong et al does not identically disclose the presently claimed invention as recited in the amended claims. The sample of array of Choong is clearly different from the presently claimed biochemical analysis unit in that the porous media 20 present on a substrate 10 have to be sandwiched between electrodes 30 and therefore, Choong does not illustrate metal material as a preferred example of the material for forming the substrate. For at least this reason, the present invention is not anticipated by Choong.

Further, Choong et al does not teach or suggest that the substrate may be formed of a metal material. At column 6, lines 10-15, Choong et al discloses that the substrate is optionally any solid substance that can be employed, e.g., film, glass, Si, modified silicon, ceramic plastic, resin, or any type of appropriate polymer such as (poly)tetrafluoroethylene, or (poly)vinylidenedifluoride. Preferred substances are glass and plastic and ceramic and plastic materials are illustrated as preferred examples of the material for forming the substrate employed in Choong et al. Thus, Choong et al does not teach or suggest a substrate formed of a metal material.

Moreover, the sample array of Choong is constituted so as to apply voltage between the electrodes 30, thereby transferring DNA and reacting it with the specific binding substances when they pass through the substrate. Therefore, if the substrate of Choong is formed of metal material, it would be difficult to generate voltage potential difference between electrodes 30 and the object of Choong would not be achieved. Thus, one of ordinary skill in the art would not have been motivated to modify the disclosure of Choong with a reasonable expectation of success.

Accordingly, the present invention is neither anticipated nor rendered obvious by Choong et al. Applicants respectfully request withdrawal of the rejection over Choong.

III. Allowable Subject Matter

The Examiner has objected to claims 88, 177, 179 and 180-183 as allegedly being dependent upon a rejected based claim.

Claims 88 and 177 depend from amended claim 3 and claims 179-183 depend from claims 171-175, respectively and are patentable for at least the same reasons.

Accordingly, Applicants respectfully request withdrawal of the objection.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111
U.S. App. Ser. No. 09/918,500

Q65512

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER


Jennifer M. Hayes
Registration No. 40,641

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